



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/989,486
Filing Date: November 20, 2001
Appellant(s): SEBASTIAN ET AL.

Philmore H. Colburn II
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 13, 2007 appealing from the Office action mailed March 1, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,554,969

Eguchi

9-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, and 15 through 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eguchi, 5554969.

Eguchi discloses receiving a plurality of signals indicative of the rear steering angle, checking at least one of the plurality of signals to determine if it falls within a valid range, and correlating at least a first signal of the plurality of signals with at least a second signal of said plurality of signals to determine if either the first signal or the second signal is invalid on lines 18-45, on column 1. Eguchi does not explicitly disclose the invention signals a rejection if any of the plurality of signals is found to be invalid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to signal a rejection of an invalid signal because otherwise the invention would be useless. There would be no point in determining an invalid signal if nothing is done with that information.

(10) Response to Argument

Appellant presents arguments that two of the limitations of the claims are not recited by the prior art. The first being “signals a rejection is any of the plurality of signals is found to be invalid”. This was pointed out in the original rejection and a reason why this would be obvious to include this signal was also provided in the original rejection. While the background of Eguchi does not explicitly disclose this “signal” it is on the verge of being inherent that such a signal would be provided. There would be no point in determining an invalid signal if nothing is done with that information. Appellant does not argue this reasoning.

The second argument deals with differences of “rear wheel steering angle” versus “front wheel steering angle”. Appellant asserts that measuring a rear wheel steering angle somehow differs from measuring a front wheel steering angle and that a system meant for front wheels cannot be used for rear wheels. This argument is unconvincing for several reasons. First, when detecting an error between two angle measurements it is irrelevant whether the sensors are on a front wheel or rear wheel. The systems will operate the same way. Even if there are minor differences between the actual physical configuration of the axles, one of ordinary skill would understand the differences and be able to adapt systems interchangeably. This argument is like arguing that a tire meant for a front wheel can’t be used on a rear wheel or measuring front tire pressure is different than measuring rear tire pressure.

Appellant also states “for most vehicles only the front wheels steer, however the present invention is directed to vehicles where the rear wheels also steer.” This statement isn’t entirely correct. The claims do not require front wheels that are steered. At most, the claims require a single axle that is steered. Even if all axles were required to be steered, the claims would be obvious in light of the cited prior art.

The fact that Eguchi discloses the system for validating a front wheel steering angle in the background for an invention that deals with rear wheel steering is an implicit acknowledgement by Eguchi that front wheel systems can be applied to rear wheel steering angle validating systems. In other words, the cited prior art is treating the two systems as being analogous or equivalents. Appellant responds to this argument by stating that Eguchi states that this prior invention (Showa 63-82875) is not suitable for

Art Unit: 3664

rear wheels. While it is true that Eguchi points out a shortcoming of the prior art, this still doesn't overcome the fact that Eguchi recognizes that the prior art could be used on a rear steering system. Eguchi just says his system will work better.

Finally, when the vehicle with the front steering angle validating system that is disclosed in the background of Eguchi is driven in reverse the axles switch their relative locations. The front axle becomes the rear axle and the rear becomes the front. When this happens the front wheel steering angle validating system becomes a rear wheel steering angle validating system. Appellant responds to this argument by stating that the rear of the vehicle is the rear of the vehicle whether traveling forward or in reverse. However, Appellant never strictly defines the invention this way in the specification and using the broadest reasonable interpretation of the claim language would result in this interpretation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 3664

Brian J. Broadhead

/B. J. B./

Examiner, Art Unit 3664

Conferees:

Meredith C. Petravick /Khoi H. Tran/ (signing for Meredith Petravick)

Thomas G. Black /tgb/